

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES,

Plaintiff,

v.

KENNETH WARRREN RHULE, and
KENNETH JOHN RHULE,

Defendants.

CASE NO. CR20-0105-JCC

ORDER

This matter comes before the Court on the parties' stipulated motion to continue the trial and pretrial motions deadline (Dkt. No. 68). The current pretrial motions deadline is September 17, 2020 and the current trial date is October 5, 2020. (*See* Dkt. Nos. 46, 47, 63.) Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

The parties argue a continuance is necessary because the case is complex, the Government has produced over 341,000 pages of discovery to Defendants, and defense counsel need additional time to examine the discovery, confer with their clients, and to effectively prepare pretrial motions and for trial. (*See id.* at 2–3.) The parties request that the Court strike the trial date and pretrial motions deadline and allow the parties to propose a new case schedule.

The Court also, *sua sponte*, considers the context in which this motion arises. Over the

1 past six months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See*
2 General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court
3 incorporates by reference.) Specifically, the pandemic has rendered the Court unable to obtain an
4 adequate spectrum of jurors to represent a fair cross section of the community, and public health
5 guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in
6 the courtroom. (*See generally id.*)

7 Having thoroughly considered the briefing and the relevant record, the Court FINDS that
8 the ends of justice served by granting a continuance outweigh the best interests of Defendants
9 and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 10 1. The COVID-19 pandemic has rendered the Court unable to obtain an adequate
11 spectrum of jurors to represent a fair cross section of the community, which would
12 likely make proceeding on the current case schedule impossible or would result in a
13 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 14 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
15 Court staff to be present in the courtroom. Therefore, proceeding with the current trial
16 date would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 17 3. Because of the nature of the Government's allegations, particularly those relating to
18 the Defendants' alleged use of the dark web and cryptocurrency, this case is so
19 complex that it is unreasonable to expect adequate preparation for pretrial motions
20 and trial within the current deadlines. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).
- 21 4. Defendants need additional time to review discovery from the Government.
22 Therefore, the failure to grant a continuance would deny Defendants' counsel
23 reasonable time necessary for effective preparation. *See* 18 U.S.C.
24 § 3161(h)(7)(B)(iv).

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1 Accordingly, the Court ORDERS:

- 2 1. The October 26, 2020 jury trial is CONTINUED until January 25, 2021.
- 3 2. The September 17, 2020 pretrial motions deadline is CONTINUED until November
- 4 12, 2020.
- 5 3. The period from the date of this order until January 25, 2021 is an excludable time
- 6 period under 18 U.S.C. § 3161(h)(7)(A).
- 7 4. If the parties object to this trial date, the parties may meet and confer and propose a
- 8 new trial date within 14 days of the Court's order on Defendant Kenneth John
- 9 Rhule's motion to revoke Magistrate Judge Tsuchida's detention order.

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11 DATED this 2nd day of October 2020.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

15 John C. Coughenour
16 UNITED STATES DISTRICT JUDGE
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